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THE UNIVERSITY OF ALBERTA

THE ALBERTA FINE OPTION PROGRAM: AN EVALUATION

by

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A THESIS

SUBMITTED TO THE FACULTY OF GRADUATE STUDIES AND RESEARCH IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE DEGREE OF

MASTER OF ARTS

IN

CORRECTIONS

DEPARTMENT OF SOCIOLOGY

EDMONTON, ALBERTA

FALL 1979

THE UNIVERSITY OF ALBERTA

FACULTY OF GRADUATE STUDIES AND RESEARCH

The undersigned certify that they have read, and recommend to the Faculty of Graduate Studies and Research for acceptance a thesis entitled THE ALBERTA FINE OPTION PROGRAM: AN EVALUATION submitted by Barry K. Goodine in partial fulfilment of the requirements for the degree of Master of Arts in Corrections.

SUPERVISOR

EXTERNAL EXAMINER

Date 24 August 1979.

This thesis is dedicated to my parents

Louis and Belle Goodine

ABSTRACT

This thesis examines the Alberta Fine Option Program as a diversion program in its first thirteen months of operation. Diversion is defined and its theoretical origins as well as practical utilities are discussed. The program is then explained and the process as it existed at the time of study is mapped out.

From a descriptive analysis of the program it was discovered that while the rates of successful completion were high, relative to the total number of fines defaulted, participation was extremely low. The voluntary phase of the program, in fact, appeared most effective in getting defaulters to pay their fine rather than in referring them for community service labour.

Of the two phases of the program the institutional phase had a higher rate of successful completion than did the voluntary phase. It was also observed that the voluntary population consisted almost exclusively of Edmontonians and attracted very few natives. These two groups represented substantial proportions of the institutional default population. Relationships between age and outcome, employment and outcome, and amounts of fine and outcome were found among voluntary participants although only the relationship on the fine variable was in the predicted direction. No corresponding relationships were found among

institutional participants where successful completion was uniformly high across the background variables examined.

The institutional selection process was next examined. In the voluntary program acceptance into the program appeared to be almost automatic. In the institutional program participation was limited to less than one in three by the institutional selection process.

The eight official reasons for rejection were then examined and categorized into three general groups. These included: technical reasons for exclusion, the inmates' choice of an alternative and finally discretionary reasons for exclusion. The technical reasons for exclusion were found to account for more than half of the institutional rejections. The inmates' choice of an alternative was the next most frequently used reason for exclusion followed by discretionary reasons which accounted for less than ten percent of the institutional default population. Those rejected for discretionary reasons were differentiated from the institutional A.F.O.P. participants in their rate of alcoholism, commission of alcohol related offences and their history of serious violent offences.

Since discretionary rejections accounted for such a minor proportion of the institutional rejections it appears unlikely that the institutional selection process was overtly responsible for that program's higher rate of successful completion. It is more likely the case

that the differences were due to inherent differences in the supervision and administration of the institutional program.

In the final chapter a number of recommendations in the form of policy implications for the future evolution of the program are made. The essence of these recommendations is that future efforts should be directed at increasing participation in the voluntary program since it is this phase of the program which best exemplifies one of the central tenents of diversion, that being the minimization of penetration into the criminal justice system.

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TABLE OF CONTENTS

CHAPTER		PAGE
I	The Alberta Fine Option Program: Diversion from Incarceration for Minor Offenders	1
	Diversion	2
	The Alberta Fine Option Program	10
II	Methodological Approach and Problems.	18
	The Study Population	18
	The Analysis	21
	Summary of the Hypotheses	31
	Objectives of the A.F.O.P. Research	33
III	A Descriptive Analysis of the Alberta Fine Option Program	35
	The Voluntary Phase	35
	The Institutional Phase	36
	Institutional Referrals	38
	Hypothesis 1	39
	Hypothesis 2	41
	Hypothesis 3	43
	Hypothesis 4	46
	Outcome by Age	47
	Outcome by Employment	49
	Outcome by Offence Type	49

	Outcome by Sentence	51
	Summary of Hypothesis 4 Findings	51
	Hypothesis 5	56
IV	The Institutional Selection Process	64
	Hypothesis 6	66
	The Selection Process	66
	The Technical Exclusions	69
	The Alternative Choices	72
	The Discretionary Reasons For Rejection	76
	Discretionary Exclusions	77
	Conclusion	80
V	Summary, Implications and Conclusion	86
	Hypothesis 1	86
	Hypothesis 2	87
	Hypothesis 3	87
	Hypothesis 4	88
	Hypothesis 5	89
	Hypothesis 6	89
	Implications of the A.F.O.P. Research	90
	Improving the Voluntary Program	93
	Implications for the Policy of "Time to Pay"	95
	Implications for Sentencing	98
	Conclusion	101
REFERENCES		104

CHAPTER ONE

The Alberta Fine Option Program:

Diversion from Incarceration for Minor Offenders.

On February 6, 1976 the Alberta Fine Option Program began in response to the recommendations by the Kirby Commission (1975) that, "A pilot project should be organized in which the option of community work is open to persons who are unable to pay fines." The program has since been operationalized for over a year and has attempted to provide an option to incarceration for fine defaulters and potential defaulters who, without the program, would be unable to satisfy their fines. This specific type of program is relatively new to the field of corrections although not unprecedented. Programs of a similar nature have been implemented in Saskatchewan, California and Great Britain.

While Fine Option programs themselves are not yet widely used or accepted, they reflect part of a larger trend in the area of corrections aimed at the reduction of offender involvement in the criminal justice system. Programs of this nature are defined as diversion programs. Since diversion programs essentially attempt to provide alternative approaches to standard methods of processing within the justice system, it is imperative that such measures be closely scrutinized in an effort to determine the exact nature of the effect they have upon the system.

Because the justice system plays an important and necessary function within society, it is essential that any changes or alterations to the system should be analyzed carefully to ensure that changes made do in fact improve upon the system or stated differently, that new programs do not inadvertantly create more problems than they are designed to solve.

Because the Alberta Fine Option Program does have major implications for the manner in which justice is administered in the province of Alberta, it is necessary that the program be evaluated carefully in its initial stages. It will be the purpose of this research to perform such an evaluation. Before discussing the details of the Fine Option Program and the nature of the analysis to be performed, a brief discussion of diversion in general is necessary to place the Fine Option Program in a proper perspective with regards to its goals, purposes and underlying philosophy.

Diversion.

Some writers have suggested that the theoretical foundations of diversion theory from a criminological point of view are to be found in labeling theory. According to Vorenberg and Vorenberg (1973:153):

> ...underlying early diversion is the so-called "labeling" theory. This theory hypothesizes that society's label may be accepted in part by the individual himself. Therefore, imposing the status and label of a convicted criminal makes recidivism more likely.

It is therefore reasoned that diversion would serve to minimize contact with the judicial system and consequently reduce subsequent criminal involvement.

While this line of reasoning does provide diversion with a theoretical basis, it may be somewhat questionable empirically. As R. J. Lundman (1976:433) notes:

> Diversion programs...were informed by labeling theory and emerged at a time when the results of empirical examinations of labeling notions were generally supportive. As a consequence, there was reason to believe that diversion programs would lower recidivism rates - i.e., lower the probability of career deviance. The problem however, is that these programs were launched in the absence of adequate empirical examination of the labeling framework.

While the status of labeling theory may be called into question, the credibility of diversion theory is not necessarily destroyed. While labeling theory may serve as the theoretical origin, it is not the sole basis of diversion. Relative to the lack of success of programs which have attempted treatment or rehabilitation (as reported in such comprehensive works as Lipton, Martinson and Wilks 1975), it is reasoned that diversion programs are at least as effective, while having the advantages of being more economical and reducing the over-burden on the courts and penal institutions. This notion is reflected in a 1968 report to the California Legislative Committee on Criminal Procedures which states:

> There is no evidence that more severe penalties deter crime more effectively than less severe penalties. There is evidence that large numbers

> of offenders can be effectively supervised in the community at insignificant risk and considerable saving in public expenses. (Ward 1973:200).

Justifications of diversion programs which argue that they are as effective while being more humane and economical, however, have also been challenged. Lerman (1973) examines the California Youth Authority's Community Treatment Project, (a large scale juvenile diversion program) and found that the program, which was supposed to be more treatment orientated and economical, evolved into a program which was not only more punative but in the long run more expensive.

While Lerman's work demonstrates that there can be differences between the intended and actual results which eventuate from well intentioned diversion programs, his work is not sufficient to dismiss diversion programs out of hand. Lerman examines only one such program and, as must be realized, diversion programs can occur at a variety of points along the judicial process. What Lerman does demonstrate is that it cannot be assumed that the advantages intended by diversion programs are necessarily realized. Not only can there be differences between intended and actual program results, but the greater use of discretion in diversion programs may lead to accusations of unfair or inconsistent treatment. While diversion programs are designed to by-pass or eliminate certain more formal processes of the judicial system, they may also eliminate the due process which is at least theoretically inherent

in these formalized systems.

It is therefore necessary to carefully examine each diversion program not only in terms of how well it achieves its objectives, but also in terms of the intened and unintended consequences that result from the institution of a particular program.

Despite the lack of consensus on the advantages or disadvantages of diversion programs and the limited quantity of research done on many such programs, the current trend in corrections seems to be towards the greater use of diversionary programs. The Report of the Canadian Committee on Corrections (Ouimet, 1969) advocates the use of community-based correctional methods in place of imprisonment wherever such programs are possible. The Law Reform Commission of Canada similarly argues that, "the criminal law and its processes are a last and limited resort...the criminal law and its sanctions should be used with restraint" (Working Paper 7:25). Recommendations of this nature are more often based upon a dissatisfaction with the current penal system than they are upon empirical evidence that more favorable alternatives exist. Whether or not diversion programs are able to provide such alternatives remains to be demonstrated. The fact that diversion programs are a current trend in the area of corrections however, does make such program primary candidates for correctional research.

If diversion programs are to be meaningfully examined it becomes necessary to define the type of diversion studied beyond the general definition of "the minimization of penetration of offenders into the criminal justice system" (Galet 1976:1). It is readily apparent that diversion from the criminal justice system can occur at a number of decision points within the system. According to the Law Reform Commission of Canada, the term diversion is used to cover a broad range of programs serving a variety of functions which include "community absorption," "police screening," "pre-trial diversion" and "alternatives to imprisonment" (Working Paper 7:4). To meaningfully discuss diversion then, beyond a general discussion of the philosophy and principles of diversion in general, it is necessary to place the type of diversion examined within a context which tells us: "(1) what the process is by which diversion takes place; (2) what the person is diverted from - i.e., what is diversion instead of? and (3) what is he diverted to?" (Vorenberg and Vorenberg, 1973:152).

Placed within this context, a discussion of the Alberta Fine Option Program as a diversion program becomes more meaningful. The process through which diversion takes place is the contact between the fine defaulter and the fine option program and the subsequent involvement in the program. What the fine defaulter is diverted from is

incarceration for failing to satisfy his fine. What the fine defaulter is diverted to is community service or treatment programs through which he is able to work off his fine.

Placed within the categories defined by the Law Reform Commission of Canada, the Alberta Fine Option Program would be considered as diversion as an "alternative to imprisonment." This would place the fine option program in a category with other diversion programs such as absolute or conditional discharge, restitution, suspended sentence, probation, community service orders and parole release, all of which can be designated as post-conviction diversion. The programs mentioned have all been studied to various degrees and report various degrees of success (Lipton, Martinson and Wilks, 1975). Studies which are of particular interest to the present research are two studies which have dealt specifically with fine option programs.

The Government of Saskatchewan reports that of 882 participants in their fine option program in 1975, 74.5% successfully completed their work option. The majority of people involved with the program were native and most were unemployed indicating that the program was reaching the groups who were previously over-represented in the population of incarcerated fine defaulters. They further reported that the fine option program had reduced the institutional population of persons incarcerated for

default in payment of fines. (Review Committee Report, Government of Saskatchewan 1976:11-15).

The California Office of Criminal Justice Planning report similar results with their Court Referral Program. In this program, over 4,000 convicted misdemeanants were placed in community service agencies to work off fines. These offenders completed 250,000 hours of community service and the program had an 80% work assignment completion rate for the second consecutive year. (California Office of Criminal Justice Planning, 1974:27).

While these two studies demonstrate the feasibility of fine option programs, they leave many questions unanswered which the following research will attempt to answer. For example, reporting completion rates for fine option participants can be misleading in that those who participate may represent a very small proportion of the total population of fine defaulters. This point will be demonstrated in a later section of this paper.

To conclude the discussion of diversion then, it should be noted that while diversion theory has it's theoretical basis in labeling theory, labeling theory itself is not very ammenable to empirical testing. The problems of trying to determine the effects of an officially imposed label as opposed to the effects of some more informal method or no punishment at all, presents ethical as well as methodological problems. It becomes very

difficult to determine if subsequent criminal involvement is the result of offical processing and labeling or the result of any of a number of other variables which come into play.

However, because diversion is functional in areas other than the reduction of official labeling, it is possible to examine the effects of diversion programs without necessarily testing labeling theory per se. Diversion programs are meant to be functional in reducing the over burden on the court system and penal institutions and consequently may be examined in terms of how well they achieve these goals and how the achievement of these goals affects the judicial system. In the case of the fine option program diversion may serve to create greater equality within the judicial system by presenting an alternative to incarceration for those with less ability to satisfy fines through cash payment. By examining the extent to which the program is able to reach its target populations (i.e., those presently incarcerated for fine default) it can be determined how effective the program is in reducing the inequalities inherent in a sanctioning system which is based on the ability to pay.

In short, diversion programs attempt to more than eliminate the official imposition of a label. Among their objectives is the reduction of the work load and costs of the judicial system. They provide alternatives which

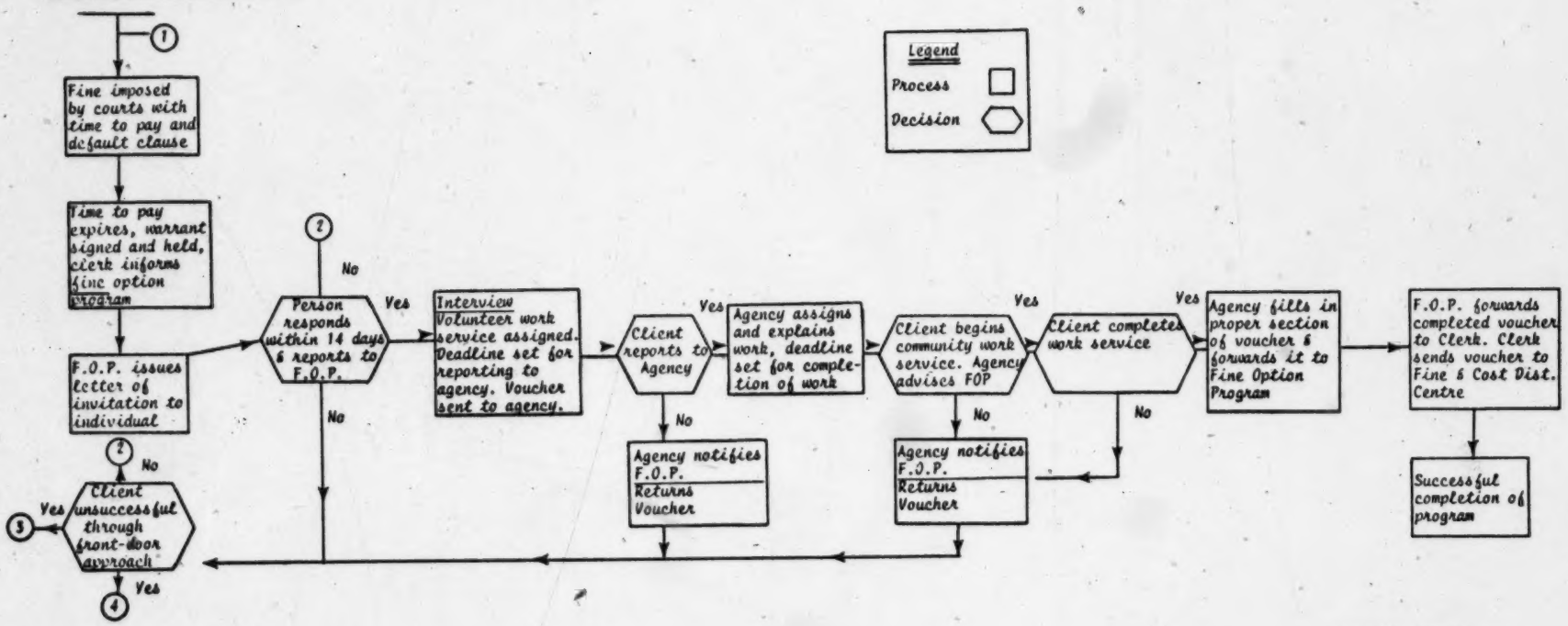
hopefully reduce the degradation and prisonization effects often associated with more formalized sanctioning. And finally, as in the case of fine option programs, they attempt to create a more equal system of punishment by providing alternatives other than incarceration for lower income groups.

The Alberta Fine Option Program.

The Alberta Fine Option Program (A.F.O.P.), as is the case with many new programs in their developmental stages, has undergone a number of transitions in its efforts to become a workable and efficient system. Before proceeding with the proposed research, it is necessary to map out the system as it existed at the time of study. Figures 1 and 2 are flow charts which map out the process of the A.F.O.P. in its entirety. The program actually consists of two distinct phases, the pre-institutional (or front-door approach, as it is referred to by the program staff) and the institutional or back-door approach. The back-door approach is the more recent ammendment to the program and has only been in existence since November 9, 1976. The front-door approach has been operational since February 6, 1976.

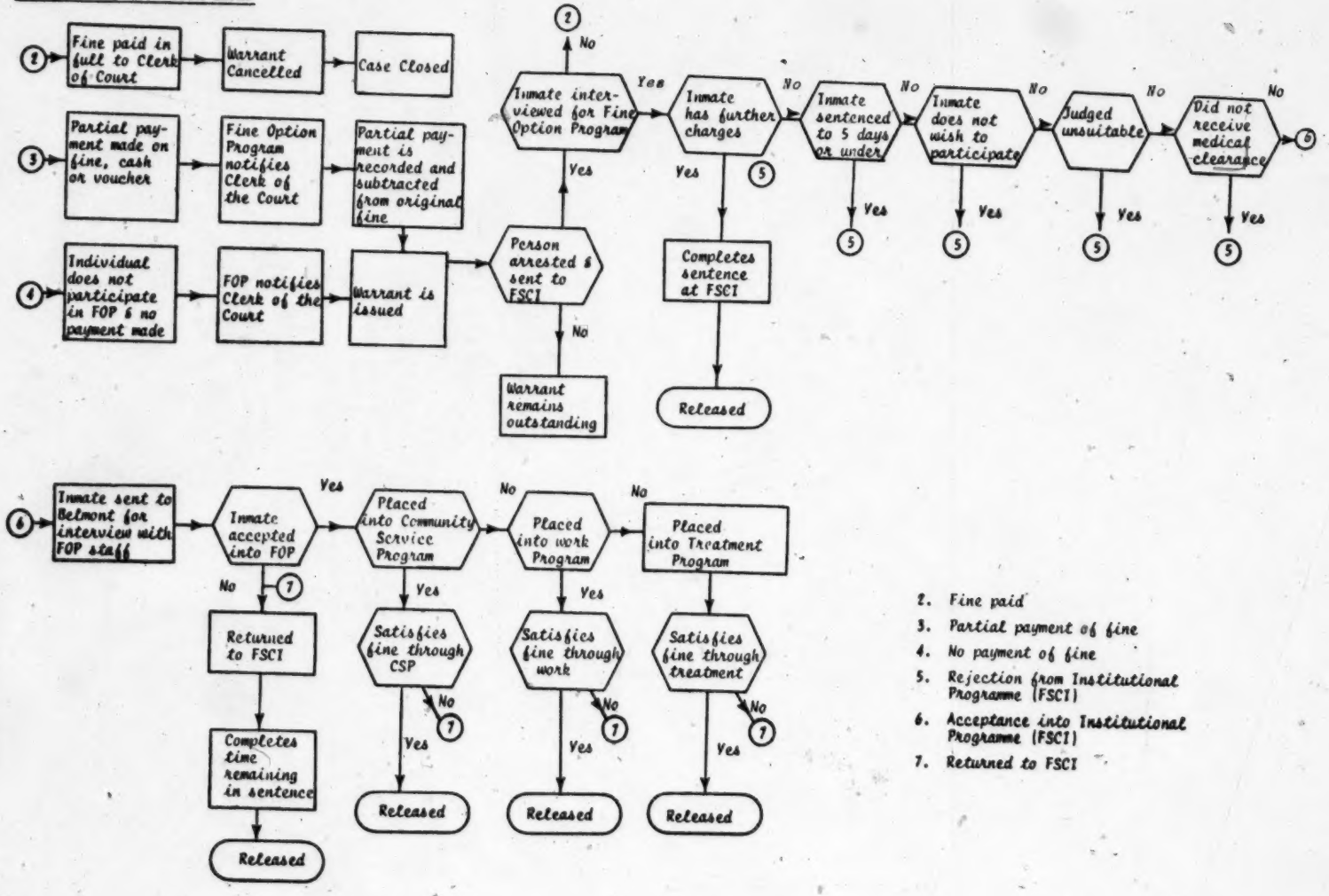
The process involved in the system is as follows. The process begins when the court imposes a fine with time to pay and a default clause which indicates that if the

FLOWCHART A: FRONT-DOOR ENTRY



1. Fine imposed
2. Fine paid
3. Partial payment of fine
4. No payment of fine

FLOWCHART 8: BACK-DOOR ENTRY


2
Fine paid in full to Clerk of Court
Warrant Cancelled
Case Closed
3
Partial payment made on fine, cash or voucher
Fine Option Program notifies Clerk of the Court
Partial payment is recorded and subtracted from original fine
4
Individual does not participate in FOP & no payment made
FOP notifies Clerk of the Court
Warrant is issued
Person arrested & sent to FSCI
No
Yes
Warrant remains outstanding
Completes sentence at FSCI
Released
Inmate interviewed for Fine Option Program
Inmate has further charges
Inmate sentenced to 5 days or under
Inmate does not wish to participate
Judged unsuitable
Did not receive medical clearance
6
Inmate sent to Belmont for interview with FOP staff
Inmate accepted into FOP
7
Returned to FSCI
Completes time remaining in sentence
Released
Placed into Community Service Program
Satisfies fine through CSP
Placed into work Program
Satisfies fine through work
Placed into Treatment Program
Satisfies fine through treatment

2. Fine paid
3. Partial payment of fine
4. No payment of fine
5. Rejection from Institutional Programme (FSCI)
6. Acceptance into Institutional Programme (FSCI)
7. Returned to FSCI

fine is not paid within the prescribed time, a prison sentence of X number of days will be imposed. If the time to pay expires and the fine has not been satisfied, a warrant is signed and held by the clerk of the court and the A.F.O.P. is notified. The A.F.O.P. then issues a letter of invitation to the individual which reminds him of his fine, informs him that his time to pay has expired and informs him that he has the option of community service if he is unable to pay his fine. The telephone number and address of the A.F.O.P. is given and the individual is urged to contact the program staff immediately. The person is given 14 days to respond, after which time a warrant is issued for his arrest. If the person does respond within the 14 day time limit, he is interviewed and has the fine option program explained to him. He is told that he will be able to work his fine off at the rate of $3.00 per hour by working for a community service agency.[1] The client is assigned to an agency on the basis of his skills and availability of positions at the agency. A voucher is sent to the agency notifying them of the placement and the number of hours of work which is required of the client. If the client fails to respond to the agency within the deadline, the voucher is returned to the A.F.O.P., the client is "cancelled" and the warrant for his arrest is issued. If the client reports to the agency, he is assigned work, given a deadline for completion

and the A.F.O.P. is notified. When the client completes the work service, the agency fills out the voucher and returns it to the A.F.O.P. In the event that the client only completes a portion of the work which is assigned to him and required to satisfy his fine, then his fine is pro-rated[2] on the basis of the work completed and the warrant for his arrest is issued. If the fine has been satisfied in its entirety, the A.F.O.P. notifies the clerk of the court, the warrant is cancelled and the person has successfully completed the program.

If one were now to look at the success rates reported in the Saskatchewan and California studies, it becomes obvious that their reports of successes are somewhat misleading. Of the people referred to work service projects the majority do complete their projects and satisfy their fines. The people referred to work service, however, represent a very small proportion of the total fine defaulters. This is demonstrated by the figures for the Alberta project, from February 1976 through February 1977. Of 3,976 letters sent to fine defaulters, 2,986 failed to respond or were sent back because of incorrect addresses. Another 967 responded by settling their fine through cash payment. Of the total 3,976 fine defaulters, only 126 were referred to work service. The completion rates for clients who have been referred is what has been reported in the Saskatchewan and California studies. While the completion rates of

75-80% are admittedly very high, it can be seen that referred clients represent a very small proportion of the total fine defaulters.

It was a recognition of this fact and a desire to reach more of the total population of fine defaulters which led to the development of the institutional or back-door approach to the fine option program. The back-door approach is that aspect of the program which comes into effect when the defaulter has failed to respond to the letter of invitation or has otherwise been unsuccessful through the front-door approach and as a consequence is arrested for fine default. Fine defaulters are screened upon their arrival at Fort Saskatchewan Correctional Institution and interviewed for participation in the A.F.O.P. If for some reason the inmate is judged unsuitable or does not wish to participate in the program, he serves his time at the institution in order to satisfy his fine.

Reasons why the inmate might be screened out of the program at this stage would include the following: (1) The inmate may simply not wish to participate. (2) If a person's sentence is under 5 days he is ineligible at the institutional phase. (3) The inmate may have further charges or a mandatory sentence in addition to his fine, in which case he would not properly be defined as a fine defaulter. (4) The inmate may not received medical clearance and for this reason be judged unsuitable for

work and consequently ineligible for the fine option program. (5) The inmate may be enrolled in a Fort Saskatchewan Correctional Institute program which better suits his needs or wants. (6) Finally, the inmate may simply be judged unsuitable. This could occur for a number of reasons. The inmate may have a history of violent offences, or may be considered a security risk. If an inmate has already been through the program through the front-door approach and failed to complete his assignment or respond to the options offered, he may also be judged unsuitable.

If the inmate is not screened out for one of the above reasons, he is transferred to Belmont for an interview with the A.F.O.P. staff. The inmates are again screened by the A.F.O.P. staff according to the above criteria to ensure eligibility and either accepted or rejected from the program on this basis. Those rejected are returned to Fort Saskatchewan Correctional Institution to complete the remainder of their sentence or are enrolled in one of the Belmont programs other than the fine option program. Those accepted into the program are placed into one of three programs within the A.F.O.P. They may be placed into the community service program to work off their fine. They may be placed in the work program if they already have paid employment or are able to secure such employment and satisfy their fine through cash on an installment basis. Or, if there is a serious drug or alcohol problem,

the inmate may satisfy his fine through completion of a treatment program offered through Belmont.

In its first five months of operation (November 1976 - March 1977) the back-door program interviewed and screened 438 fine defaulters, 120 of whom were enrolled in the A.F.O.P., and 318 who were rejected for the various reasons mentioned above. As can be seen, the back-door approach has lead to an increase in the number of fine defaulters who have become involved in the A.F.O.P. However, it is also apparent that most fine defaulters are still not being included in the program.

CHAPTER TWO

Methodological Approach and Problems.

The purpose of the present research will be twofold. The initial phase of the study will be mainly descriptive and will attempt to evaluate the program in terms of the extent to which the A.F.O.P. is able to serve as an alternative to the population of fine defaulters and proceed by comparing the effectiveness of the various aspects of the program. The second aspect of the research will address the issue of differential involvement in the A.F.O.P. and will do so by examining participant profiles of prisoners who are referred as well as those who are not referred to the fine option program via the institutional route.

The Study Population.

While the program has been operational in both Calgary and Edmonton, the present research will focus only on the Edmonton program since information on the Edmonton system is more readily available to the author. The study will further be limited to males since the number of female participants in the A.F.O.P. is too small to merit inclusion in the study.

The study population will include clients from the institutional and the voluntary branches of the program.

The institutional population will include all fine defaulters sent to Fort Saskatchewan Correctional Institute from November 8, 1976 until March 31, 1977. F.S.C.I. is the only institution in the Edmonton area designated to handle fine defaulters so that the population will include all fine defaulters who have gone the institutional route from the inception of the back-door program up to and including the month of March.

The population from the voluntary or front-door approach will include all clients who have responded for interview between the time the program began (February 6, 1976) through March 31, 1977. The front-door program unfortunately provides no information on those who respond by paying off their fine in full nor on those who fail to respond to the letter of invitation. It is also the case that information drawn from the front-door approach is generally less extensive and complete than the information available via the institutional program. A few explanatory comments on this issue would seem appropriate at this point.

It has been a personal observation from a preliminary examination of files that the amount of information gathered on an individual as he passes through the judicial system seems inversely proportional to the person's status within the system. That is, if the person is found guilty of a minor offence for which a fine is deemed an appropriate disposition, very little information is gathered on the

individual other than name, address and type of offence. If the fine is paid, the individual is considered a free citizen and is not subjected to any further inquiry. However, if the person fails to, or is unable to, pay his fine and responds to the fine option program to work off his fine, slightly more information is gathered on the individual in such areas as his marital status, age, educational level, ethnic origin and employment status. If, however, the individual defaults his fine and fails to respond, he is, upon arrest, treated as any other criminal offender and subjected to an indepth classification interview. In such a case information on social habits (drug and alcohol use), family relationship, employment history, medical condition, welfare status, previous conviction and sentencing record, ethnic origin, number of dependents, education and occupation, is recorded.

Because of the more limited quality of the data from the voluntary aspect of the fine option program, the information obtained from this group will be used only for the first phase, or the previously mentioned descriptive aspect of the analysis. The analysis of referral differences will focus solely on the institutional data. Not only is this data more suited to the latter type of analysis because it considers more variables which may discriminate between the two groups, but the institutional data contains information on all types of fine defaulters and not just

those who are referred for work service. For example, within the institutional population, information is available on those who pay their fine immediately after arrest, those who are referred for the fine option program, those who are judged unsuitable or do not wish to participate, and finally those who are successful completers and those who are not. In short, the institutional population represents the group of all fine defaulters with the potential for involvement in the A.F.O.P. and not just those who actually initiate contact as is the case with the front-door population.

The study population over-all will therefore include all males involved with the A.F.O.P. from the beginning of both the institutional and voluntary programs until the end of March 1977. The nature of the analysis to be performed on the data collected will be discussed in the following section.

The Analysis.

The high rate of incarceration in Canada and particularly in Alberta can be identified as one of the factors which has led to the development of programs such as the A.F.O.P., which is designed to reduce the number of minor offenders being sent to prison. The extent of the problem is indicated in a study by Cousineau and Veevers (1972), that reports that Canada has the highest rate of incarceration among

all of the western nations. While this point has been disputed by Waller and Chan (1974), the rate of incarceration in Canada is still admittedly very high, even if not the highest in the western world. In a study which compares incarceration rates within Canada, Mathews (1972) reports that of all provinces, Alberta has the highest "incarceration to conviction ratio" in the nation. This point has similarly been disputed by Swanton (1973) who demonstrates that when statistics are averaged rather than looked at for one year, Alberta drops from first to third, though still above the national average. Further, the extent to which fine defaulters contribute to the high rate of incarceration is indicated by an Alberta Solicitor General (1975) report, that during a nine month period between January and September 1975 inclusive, 806 of 1,874 or 43% of the total admittances to Fort Saskatchewan Correctional Institute were for default of fine payment.

The initial concern in evaluating the A.F.O.P. would therefore appear to be to measure the impact of the program on the high rate of incarceration for fine defaulters. This task is not as simple as it would initially appear. Simply examining pre and post-program measures of fine default incarceration would probably not serve as an adequate measure of the program's impact for a number of reasons. First, it would be extremely difficult to control for all the possible intervening variables which could

influence the rates of incarceration for fine defaulters. These would not only include changing social and economic conditions which could affect peoples' attitudes towards paying and ability to pay fines but would also include a number of legal factors which could also have an effect. The most obvious legal factors which could create variation over time include such things as: more fines being levied in one period than in another; law changes influencing the type of crimes for which fines are given, and shifting sentencing patterns which influence the size of the fines given and the extent to which fines are used as a punishment for minor crimes.

An equally important consideration, however, is the fact that the Edmonton program is only a pilot project. As such one would not expect the program's impact on incarceration rates to be dramatic. Since the program studied operates only out of Edmonton, (that is, the non-profit organizations through which people work off their fines are located only in Edmonton) the program in its pilot stage may prove to be of little benefit to those who reside outside the metropolitan area. As a provincial institution, Fort Saskatchewan Correctional Institution receives fine defaulters from a much broader base than just Edmonton. The fact that we are looking at the impact of an Edmonton based project on the incarceration rates of a provincial institution must be kept in mind.

One of the objectives of a study of this nature would therefore be to examine the incarcerated fine default population of F.S.C.I. in terms of place of residence to determine what proportion reside in Edmonton and what proportion from other areas. Once this had been determined it would then be possible to assess the extent to which the program is able to provide assistance for Edmontonians and non-Edmontonians alike. It will therefore be hypothesized that those who participate in the program are in vast majority Edmonton residents and that the program in its initial stage is inconvenient and therefore inadequate for outside residents. Only through proper testing of this hypothesis would statements concerning the program's impact become meaningful. If the hypothesis were verified then policy implications for expansion or decentralization of the program would merit consideration.

Another difficulty in assessing the program's impact on incarceration is that those who are incarcerated for fine default at any one time represent only a proportion of those who could be incarcerated for fine default. That is, as was previously mentioned, 3,976 letters were sent out to people who had defaulted fines in Edmonton courts over a one year period. Over a 9 month period in 1975 when 806 fine defaulters were sent to F.S.CI., they represented 43% of the institutional admissions. It is readily apparent that F.S.C.I. does not have the capacity

to deal with all fine defaulters. This is probably reflected in how actively police pursue warrants which are issued for fine defaulters.

The low number of arrests made as compared to the number of fines which are defaulted would suggest that the police do not actively pursue fine defaulters. It is more likely that people who are arrested come to the attention of the police through routine checks or because of another violation and are discovered to have an outstanding warrant against them. The implications that this would have for measuring the impact of the A.F.O.P. on rates of incarceration is that a change in the intensity with which the police pursue warrants issed could possibly offset any impact that the A.F.O.P. was having on these rates. For example, if the A.F.O.P. were to reduce the number of outstanding warrants by involving a large proportion of fine defaulters in the program, it would be possible that the police would be able to more adequately deal with the reduced number of outstanding warrants. Consequently, the more active pursuit of fine defaulters would reduce any apparent impact of the A.F.O.P.

Because of the above mentioned difficulties in measuring the impact of the A.F.O.P. on rates of incarceration, an alternative approach to measuring the program's impact must be taken. The amount of impact the program must have before it is designated a success or a failure is of course

a subjective issue. Similarly, the number of people diverted from incarceration before the program is considered worthwhile becomes more of a moral than an empirical question. What can be said is that the more fine defaulters diverted from jail and the more successful the program is in achieving its objective of keeping minor offenders out of potentially damaging institutions, the greater the impact of the program can be said to be. Under these circumstances the best indication of the program's impact is simply to report what the A.F.O.P. has accomplished during the period under study. What will be reported therefore is; the number of people who have become involved in the A.F.O.P.; the number of successful completions (i.e., the number of people who satisfy their fine in its entirety through the program); the cash value of the fines satisfied through the program, (both those who work off their fine and those who make a cash payment); and finally the number of hours of community service provided as a result of having a program of this nature. The significance of these accomplishments will, for the reasons mentioned above, be left to the interpretation of the individual reader.

The comparative efficiency and effectiveness of the front and back-door programs will be the next issue to be dealt with. The efficiency of the programs will be defined as the extent to which each level of the program is able

to reach the intended population of fine defaulters and get them involved in the A.F.O.P. The effectiveness of the program will be defined as the successful completion rates of each aspect of the program.

Because of the nature of the situations in which the fine option program is offered, I would expect there to be differences in the program's efficiency. In the front-door program, the person is simply sent a letter to which he may or may not respond. In the back-door program the individual has already been arrested and sent to jail. The fine option program therefore becomes a means of avoiding an aversive situation in the form of incarceration which appears very real and immediate to the fine defaulter involved in the back-door program. This leads us to a statement of the second hypothesis. It is hypothesised that the back-door approach to the fine option is the more efficient means of getting fine defaulters involved in the A.F.O.P. because the alternative of incarceration is made a more immediate concern in this aspect of the program.

With regards to the effectiveness of the program, the previously mentioned literature would suggest that the successful completion rates for fine option programs are generally high. This is probably because the nature of the tasks assigned are of a simple and generally menial nature for which supervision is provided. Once the task

has been assigned and specified, it probably becomes obvious that the fine option program is a relatively simple way of satisfying a fine and reducing the anxiety associated with having an outstanding warrant for arrest if the task is not completed. It is therefore hypothesized that the completion rate for those who become involved in the fine option program will be high and will not differ to any large degree between those who enter the program through the front and back-door approaches.

Finally, the descriptive phase of the research will make comparisons on general characteristics such as age, race, marital status, education, employment and offence type for those involved in each aspect of the program and for successful and unsuccessful completers within each aspect of the program. Based upon an earlier participant profile (Solicitor General: November 1976) done on work service referrals in the voluntary program, I would hypothesize that a successful outcome in the fine option program is positively related to increasing age, increasing stability of employment, increasing education, decreasing seriousness of offence and decreasing amount of fine.

As far as the over-all make-up of the populations involved in the front and back-door programs, it is hypothesized that the front-door participant's profile will more closely resemble that of the successful completers.

That is, they will be older, more educated, have more stable employment and less serious offences. This is expected simply because the front-door participants represent a less general sample of fine defaulters than is the case with the back-door population.

The second phase of the research will examine the criteria for selection into the A.F.O.P. at the institutional level. It would appear from preliminary observations that, with very few exceptions, everyone who enters the program voluntarily is accepted into the program. Such is not the case with the institutional program where only about one-third of the fine defaulters who are arrested are referred to the program. Since it is one of the primary objectives of the A.F.O.P. to create a more equitable system of dealing with minor offenders, it is of particular interest to discover why such a large proportion of the institutional population are not given the opportunity to participate.

It will be remembered that the institutional population is screened for participation according to eight criteria and those not referred are categorized accordingly. For the purposes of our analysis the official reasons for rejection can be conceptualized as being of one of three types. These general types are: discretionary or judgemental reasons; technical reasons or policy limitations of the institutional program; and finally, the client's

choice of an alternative to the A.F.O.P.

By categorizing the institutional rejections according to these three general types we should be able to gain a clearer picture of why many institutional defaulters are not allowed to participate. If it is found that most or even a high proportion of institutional candidates are rejected for discretionary reasons, it will then be possible to examine the basis of that discretionary selection by comparing the discretionary rejections and those who are selected for participation on the basis of a number of demographic, legalistic, and social background variables. These variables will include: age, race, place of residence, marital status, fine, default time, number of offences, previous offence histories, education, employment, use of alcohol and type of offence. Whether these variables will be examined singularly using tests of significance to detect differences between the two groups or whether a multivariate approach looking for interaction effects between the variables will be used, will be largely determined by the number of clients who fall into the group of discretionary rejections.

One would hope that a diversion program designed to create a more equitable system would base its decision to refer or not to refer on rational and objective criteria and not discriminate against any particular group. Conflict theorists, however, would predict that the system would

not be equitable. As Demers (1978) states:

> Conflict theory asserts that decisions in the criminal justice system are made primarily on the basis of legally irrelevant factors. It is concluded...that discontinuities resulting from the exercise of discretion will be deleterious to disadvantaged social groups.

Recent empirical investigations which attempted to test this theoretical perspective, however, were generally not supportive (Demers, 1978; Hagan, 1974).

Since we are dealing with the A.F.O.P. in its initial stages there would be very little evidence available to the selection staff with regards to who would or would not be suitable for participation or who would or would not be successful in the program. For this reason it is felt that rejection for discretionary reasons will represent only a minor part of the institutional selection process.

This leads to a statement of the sixth and final hypothesis. It is hypothesized that the selection process of the institutional program is based mainly upon technical or policy considerations, and that discretionary decision making aimed at predicting successful outcome accounted for a relatively minor part of the selection process.

Summary of the Hypotheses.

The hypotheses to be tested in the research to follow will consist of the following:

1. Those who participate in the program are in the vast majority Edmonton residents, indicating

that the program in its initial stages is inconvenient and therefore inadequate for outside residents.

2. The institutional approach to the fine option program is the more efficient means of getting fine defaulters involved in the A.F.O.P.
3. Completion rates for those who become involved in the A.F.O.P. will be high and will not differ significantly between those who enter the program through the institutional or voluntary approaches.
4. Successful outcome in the A.F.O.P. is positively related to increasing age, increasing stability of employment, increasing education, decreasing seriousness of offence and decreasing amount of fine.
5. Profiles of participants in the voluntary program will more closely resemble that of the successful completer.
6. The selection process of the institutional program is based mainly upon technical or policy considerations. Discretionary decision making aimed at predicting successful outcome accounted for a relatively minor part of the selection process.

Objectives of the A.F.O.P. Research.

Because the Alberta Fine Option Program represents a major attempt at post-conviction diversion, it is important that the program be carefully analyzed, not only to evaluate its impact but also to insure its success by revealing any possible deficiencies or limitations of the program that might be corrected in the future. This study will provide information on the structure and policy of the program during the period under study; descriptive statistics on the rates of involvement and completion for the various levels of the program, statistical profiles of people involved in the program, and finally an examination of the referral policy in the institutional program.

This information should provide indications of any changes which may be needed to make the program more effective in reaching its goals and should also provide information on the direction that any such changes should take. The study should also provide an information base such that the effect of changes which have taken place or any future changes that may take place can be compared to the initial system and be evaluated in terms of their comparative impact and efficiency.

Finally, it is hoped that the present research will add to the somewhat limited body of literature which is currently available on post-conviction diversion programs.

Since diversion programs of this nature are of current interest within the correctional field, it is hoped that the present research will provide a useful source of information to any agency interested in developing a similar type of program or any individual interested in studying the area.

CHAPTER THREE

A Descriptive Analysis of the Alberta Fine Option Program.

The Voluntary Phase.

The extent to which fines imposed in Edmonton courts are defaulted is indicated by a Solicitor General's Fine Option report that between February 6, 1976 and March 31, 1977 (the period under study) 4,429 letters of invitation were sent to people who had not satisfied fine payments within the time limit imposed by the court. The number of letters sent can be equated to the number of cases in which fines were defaulted since, as will be remembered, the clerk of the court submits all cases of fine default to the A.F.O.P. upon the expiry of the time to pay limit.

Of the 4,429 letters of invitation sent, 3298 or 74.5% either failed to respond or were returned because of incorrect addresses.

Another 995 or 22.5% responded to the letter of invitation by satisfying their fine through cash payment. These people satisfied $83,497.50 worth of fines through the program.

Finally, 136 or 3.0% responded to the voluntary phase of the A.F.O.P. and were referred to work service to satisfy $12,629.50 worth of fines. Of these 136 people 125 were male and are included in the present study.

The total rate of response to the A.F.O.P.'s letter of invitation was therefore only 24.5% and of these most people made a cash payment rather than becoming involved in the program. While it was not an intended or expected objective of the program, the voluntary branch of the A.F.O.P. apparently functioned most effectively as a collection agency.

The Institutional Phase.

The institutional phase of the A.F.O.P. began on November 8, 1976 in response to the low level of reply to the letters of invitation in the voluntary program. Fine defaulters who are arrested and sent to Fort Saskatchewan Correctional Institution, as a result of their non-response to the voluntary program, are screened for participation in the A.F.O.P. via the institutional route. According to institutional statistics for the five month period under study, 524 inmates arriving at F.S.C.I. had defaulted fines. However, the fine option files from which the institutional population of fine defaulters was obtained, contained only 438 cases or files. The probable explanation of this difference is that some of the inmates going to F.S.C.I. on mandatory sentences for crimes other than defaulting fines were discovered to have outstanding warrants for fine default as well. While these inmates would be counted as fine default cases cleared at F.S.C.I.,

in the sense that their default time would be served concurrently with their mandatory sentence, their files would not be kept in the separate file reserved for fine defaulters and consequently are not included in this study.

The A.F.O.P. reports that 1,632 letters of invitation were sent out to fine defaulters during the first five months of the institutional program. Again this can be viewed as representing the number of fines given in Edmonton courts which were defaulted over this time period. During this five month period the A.F.O.P. reports that 350 fines were satisfied by cash payment and 69 individuals were referred to work service through the voluntary program. This would mean that of the 1,632 fines that were defaulted, warrants were issued for 1,213 people, 524 or 43% of whom showed up at F.S.C.I. to serve their sentence. The fact that the majority of fine defaulters for whom warrants are issued are not immediately arrested is probably a reflection of the limited capacity or inability of the institution to deal with all fine defaulters through incarceration. It should also be realized that the estimate of 43% is probably an over-estimate of the rate of arrest for fine defaulters since it is calculated on the number of warrants issued during the five month period and does not take into account warrants which were previously issued but which remained outstanding. Some of the 524 default inmates had undoubtedly defaulted fines given previously to

the inception of the institutional program.

It is apparent from the low rate of arrest that police do not actively pursue warrants issued for fine defaulters. It is more probable that those people who are arrested come to the attention of the police either through routine checks or because of a further offence or behaviour which draws the attention of the police.

Institutional Referrals.

Of the 438 verified institutional cases of fine default (cases whose classification forms were kept in the fine option file) 164 or 37.4% were recommended for participation in the A.F.O.P. However, only 120 or 27.4% were actually accepted by the A.F.O.P.

As was previously mentioned, during the first five months of the institutional program, 69 people became involved in the A.F.O.P. via the voluntary program. The institutional program can therefore be said to have led to a 174% increase in A.F.O.P. participation. However, in view of the total number of fines which were defaulted over this five month period, A.F.O.P. participation was still a somewhat low 11.6%.

The non-participants can be broken down as follows: 21.4% voluntarily paid their fines; 5.3% were reportedly at F.S.C.I. but not included in the fine options file; 42.2% had warrants issued for their arrest but remained at

large; and 19.5% were rejected from the program at F.S.C.I.

The fact that a greater proportion of fine defaulters were rejected from the institutional program (19.5%) than were included in the voluntary and institutional programs combined (11.6%) is an issue which merits special consideration and will be examined in detail in a later chapter of this thesis.

Hypothesis 1.

It was suggested in Chapter I that as a pilot project one would not expect the A.F.O.P. to have dramatic effects on the rate of incarceration for fine defaulters. It was reasoned that since the program operates only out of Edmonton and since many people who pass through Edmonton courts are non-residents, that the A.F.O.P. in its pilot form would serve mainly to meet the needs of Edmontonians.

It was therefore hypothesized that those who participate in the program are in the vast majority Edmonton residents, indicating that the program in its initial stages is inconvenient and therefore inadequate for outside residents.

Looking first at the voluntary program, this hypothesis would appear to be verified. Of the 125 participants in the voluntary program 99.2% listed an Edmonton or Edmonton area address. This preponderance of Edmonton residents in the voluntary program is not simply a function of

Edmontonians being the only people to default fines given in Edmonton courts. This is evidenced by looking at the population of institutional fine defaulters.

Of the 438 fine defaulters arrested and sent to F.S.C.I. only 42.7% were Edmonton or Edmonton area residents. The remaining 57.3% were mainly from other Alberta addresses (42.2%), although other Canada (8.7%), outside Canada .2%), no fixed address (5.9%), and address unknown (.3%), were also present in the institutional population.

Place of residence, however, did not appear to be a significant factor as a criteria for acceptance into the A.F.O.P. among the institutional population. The overall rate of acceptance into the A.F.O.P. among the institutional population was 27.2%. The rate of acceptance for non-Edmonton residents was at least as high for all residential categories as it was for Edmontonians, except in the case of transients. Those people who were listed as having no fixed address were only accepted into the program at a rate of 11.5%.

It would appear from an examination of the institutional program that the A.F.O.P. is able to accommodate residents and non-residents alike. One must qualify this statement, however, by pointing out that the institutional program rejects far more non-residents than it accepts. Nevertheless, non-residents are proportionately as likely to be included in the selected group of institutional A.F.O.P.

candidates as are Edmonton residents.

The point to be made is that while the A.F.O.P. demonstrates through the institutional program that it is able to accommodate non-residents, the participation of this group in the voluntary program is almost non-existent. The voluntary program apparently does not appear to be an attractive or convenient option for non-residents. Because their only participation (with one exception) is through the institutional program where selection limits participation to less than one in three, as opposed to the voluntary program where acceptance is almost automatic, non-residents greatly reduce their opportunity for participation.

Since one of the A.F.O.P.'s objectives is to reduce the institutional population of fine defaulters, and since over 50% of that population were non-residents at the time of study, the future evolution of the program should make some effort to better facilitate the voluntary participation of non-residents.

Hypothesis 2.

It was hypothesized in Chapter I that the institutional approach to the A.F.O.P. would be the more efficient means of getting fine defaulters involved. It was reasoned that the program would be more difficult to ignore when it was offered as a means of getting out of jail than when it was offered as an option to paying the fine in a nonthreatening

letter.

Defining efficiency in terms of the program's ability to involve potential candidates, the institutional program is not as efficient as was originally thought. Reviewing data which have already been presented, it will be remembered that only 43% of the potential institutional population were actually arrested and sent to F.S.C.I. Of these people only 22.9% were actually accepted into the program. Therefore, of the total potential population for the institutional population, that is, people who failed to respond voluntarily and had warrants issued for their arrest, only 9.9% actually became involved in the program. While this figure is low, it still compares favorably to the voluntary program where program participation was only 3.0% of fines defaulted.

If, however, one were to include fines which were satisfied through the program by cash payment, participation in the voluntary program increases to 24.5% while in the institutional program this inclusion only raises involvement to 12.5%.

Speaking strictly in terms of program participation, the institutional program is more efficient (9.9% to 3.0%) in involving its potential population in the program. In terms of cases cleared through the program however, which includes both cash settlement and actual participation, the voluntary program is almost twice as efficient (24.5%

to 12.5%) as the institutional program in reaching its potential population.

On the basis of these figures one would have to reject the second hypothesis that the institutional program was the more efficient means of involving the population of fine defaulters. What must be concluded is that neither aspect of the program functions at a particularly high level of efficiency. In the voluntary program this is simply the result of people failing to respond to the letter of invitation. In the institutional program the low level of efficiency appears to be the product of the low rate of arrest of fine defaulters and the high level of selectivity that occurs after arrest has taken place.

Hypothesis 3.

The third hypothesis deals with completion rates for program participants. The hypothesis states: Completion rates for those who become involved in the A.F.O.P. will be high and will not differ significantly between those who enter the program through the institutional or voluntary programs. Table 3.1 summarizes the relationship between program outcome and route of entry into the A.F.O.P.

As can be seen, the overall rate of successful completion is high (79.5%) as was expected and is comparable to the high rates of success reported in similar programs in Saskatchewan and California. There is however, a

TABLE 3.1

Comparative Outcome of Institutional and Volunary Participants

	Institution	Voluntary	Total A.F.O.P.
Successful Completion	93.3 (112)	66.1 (82)	79.5 (194)
Partial Completion	0.0 (0)	21.0 (26)	10.7 (26)
Cancellation	6.7 (8)	12.9 (16)	4.3 (24)
Total	100 (120)	100 (124)	100 (244)

Chi Square = 33.249

Degrees of Freedom 2.

P < .001

Missing Cases = 0.

significant difference in completion rates between the institutional and voluntary programs. Successful completion, (that is, satisfaction of the fine in its entirety through the A.F.O.P.) varies from a very high 93.3% in the institutional program to 66.1% in the voluntary program. Partial completion, (i.e., being given credit for work completed, but failing to satisfy the entire fine through the A.F.O.P.) accounted for 21.0% of the voluntary population and none of the institutional population. Cancellations (i.e., no credit received for work service due to not showing up for the assignment given) were almost twice as high in the voluntary program (12.9% as they were in the institutional program (6.7%).

While these differences were not originally expected, there are at least two possible explanations for their occurance. The most obvious explanation is that the higher degree of selectivity in the institutional program resulted in the referral of candidates who were more likely to succeed. It will be remembered that all but 1 of the 125 male candidates showing up voluntarily were accepted into the program, whereas only 27.2% of the 438 institutional fine defaulters on file were similarly accepted. In other words, it is possible that the institutional selection staff were correctly selecting those candidates most likely to succeed in the A.F.O.P. This possibility will be examined in Chapter IV.

Another possible explanation for the outcome differences is the nature of the situation in which the community service option is offered. The institutional group prior to their involvement in the program has been arrested and briefly incarcerated. They therefore have a first hand knowledge of what their alternative is should they fail to complete the program. It is possible that the voluntary group, on the other hand, has not considered or fails to realize the gravity of the alternative.

Hypothesis 4.

The fourth hypothesis is derived from an A.F.O.P. report done in November 1976 which examines participant profiles of voluntary fine option participants. Based on the findings of this report it was hypothesized that successful outcome in the A.F.O.P. is positively related to increasing age, increasing stability of employment, increasing education, decreasing seriousness of offence and decreasing amount of fine.

None of the predicted relationships were found to exist among the institutional participants in the fine option program. This is not too surprising, however, considering that there was so little variation on the outcome variable among institutional participants. Of one-hundred and twenty participants there were only eight cancellations or failures. Successful completion was

found to be uniformly high across the background variables examined.

Such was not the case among the voluntary fine option participants where there was considerably more variation on the outcome variable. A discussion of the nature of the relationships between outcome and the background variables examined will follow.

Outcome by Age:

The relationship between outcome and age in the voluntary program is demonstrated in Table 3.2. Contrary to the hypothesized direction of the relationship there appears to be an inverse relationship, between successful outcome and age which holds true for all but the oldest age category. That is to say, the younger the client is the more likely he is to be successful in the program, with the exception of participants over the age of forty who had the highest rate of successful completion of all age categories. On the basis of this finding one might predict that clients under twenty and over forty would be the best risks for fine option participation. This prediction might, however, be challenged since no corresponding relationship was found to exist among institutional defaulters. It should also be noted that there were very few people in the over forty age category.

TABLE 3.2

Outcome by Age Among Voluntary Participants

Program Outcome

Age	Successful	Partial	Cancellation	Total
16-19	79.2 (38)	10.4 (5)	10.4 (5)	100% (48)
20-24	60.6 (20)	24.2 (8)	15.2 (5)	100% (33)
25-29	50.0 (8)	50.0 (8)	0.0 (0)	100% (16)
30-39	41.7 (5)	25.0 (3)	33.3 (4)	100% (12)
Over 40	90.9 (10)	9.1 (1)	0.0 (0)	100% (11)
TOTAL	81	25	14	120

Chi Square = 22.43

Degrees of Freedom = 8

P < .01

Missing Cases = 4.

Outcome by Employment:

Table 3.3 provides information on the employment status of voluntary fine option clients. It should be noted that there was extensive missing information (26.4%) on this variable. The findings on this variable should therefore be viewed cautiously.

A significant relationship was found between outcome and employment. Again, however, the relationship was not in the hypothesized direction. It was found that the unemployed group was actually significantly more likely to successfully complete their assigned community service requirement than were their employed counterparts.

Outcome by Education:

An examination of outcome by educational level was made somewhat difficult by the high percentage (35.2%) of missing information on this variable among voluntary participants. On the bais of what information was available there did not appear to be any significant differences between educational levels with regard to successful completion of the program.

Outcome by Offence Type:

The lack of variation on the offence type variable may have accounted for the fact that no significant relationship was found between outcome and seriousness of offence in the

TABLE 3.3

Outcome by Employment Among Voluntary Participants

Currently Employed	Program Outcome: Successful	Partial	Cancellation	Total
Yes	52.8 (19)	36.1 (13)	11.1 (4)	100% (36)
No	74.5 (41)	14.5 (8)	10.9 (6)	100% (55)

Chi Square = 5.949

Degrees of Freedom = 2

P < .05

Missing Cases = 33

voluntary program (See Table 3.7).

Outcome by Sentence:

In the voluntary program a statistically significant relationship between outcome and size of fine was found to exist. This relationship is summarized in Table 3.4. Generally, the relationship was in the hypothesized direction which was a positive relationship between successful outcome and decreasing size of fine.

Summary of the Hypothesis Four Findings.

On the basis of the preceeding information the fourth hypothesis must be rejected. While a statistically significant relationship was found between outcome and age in the voluntary program it was not in the predicted direction. Increasing age was not positively related to successful outcome as had been hypothesized. It was found that the youngest (under 20) and oldest (over 40) age categories were most likely to be successful.

Similarly, on the employment variable a relationship was found which was not in the hypothesized direction. Contrary to the hypothesis, the unemployed group were actually significantly more likely to become successful completers in the voluntary program. This finding would lend support to the notion that given the opportunity to work, unemployed people are willing to accept and

TABLE 3.4

Outcome by Fine Among Voluntary Participants

Fine in Dollars	Outcome: Successful	Outcome: Not Successful	Total
1-50	96.2 (25)	3.8 (1)	21.0 (26)
51-100	72.4 (21)	27.6 (8)	23.4 (29)
101-300	53.3 (16)	46.7 (14)	24.2 (30)
301-1000	51.3 (20)	48.7 (19)	31.5 (39)
Total	66.1 (82)	33.9 (42)	100 (124)

Chi Square = 17.01

Degrees of Freedom = 3

P < .001

Missing cases = 0

successfully complete jobs. In this case it appears that the unemployed were more willing to work than were their employed counterparts.

On the education and offence type variables no significant relationships were found with respect to program outcome.

Finally, on the sentence variable decreasing size of fine was found to be positively related to successful outcome in the voluntary program, as was hypothesized. However, no corresponding relationship was found in the institutional program.

The fact that there was so little variance on the outcome variable within the institutional group precluded the finding of any significant relationships between the variables examined and program outcome in this phase of the program. Of the 120 institutional participants there were only 8 cancellations or failures.

Clearly, the variable which best predicted a successful outcome in the A.F.O.P. was not age, education, employment, offence type, or amount of fine, but rather route of entry into the program. Those who entered the program via the institutional route were significantly more likely to become successful completers than were clients who became involved in the program voluntarily (Table 3.1).

The fact that two of the significant relationships were found in the voluntary program in directions

other than those predicted is noteworthy.

The prediction on the age variable was predicated on a notion of age leading to maturity and responsibility and therefore a greater likelihood of success. The fact that this was not found to be true was interesting although not unprecedented. Heckbert (1976) similarly found younger clients to be more successful on day parole in Alberta. Lipton *et al.* (1975) in reviewing correctional treatment methods found age differentials in response to both incarceration and probation. Younger offenders were found to be more successful both when given a suspended sentence (*Ibid.*: 561) and when given long term incarceration (*Ibid.*: 567). It is possible that younger offenders are more responsive to certain kinds of correctional help. Perhaps they are less cynical or more fearful of legal consequences. The fact that the relationship was curvilinear (see Table 3.2), with the youngest and the oldest age groupings being the high success categories, is also analogous to incarceration findings where older inmates are described as undergoing a "burning out process" (*Ibid.*: 567) whereby inmates, well on in their criminal careers, seem to come to a point of self-examination and turn away from crime. A similar explanation may apply to our findings. Clients in the A.F.O.P. may become less responsive with age until we reach the age group who no longer feel like "bucking the system." Perhaps our findings can be viewed as

evidence that people over forty are more compliant and less rebellious when it comes to programs such as the A.F.O.P.

The unanticipated relationship between outcome and employment tells us something about the group of unemployed participants in the voluntary program. They are apparently neither unemployable nor lacking in adequate work habits. Why they were more successful than the group of employed participants is not so readily apparent. Perhaps the unemployed simply had more time on their hands to complete their community service jobs. Perhaps they took the program more seriously since they had no other alternative such as waiting for the next pay cheque and then settling by cash. Whatever may have accounted for the difference, however, it is encouraging for the A.F.O.P. that the unemployed did so well. In a program designed to provide an alternative for people truely unable to satisfy their fine through cash payment, the unemployed are surely one of the primary target populations.

Hypothesis 5.

The fifth hypothesis states: Profiles of participants in the voluntary program will more closely resemble that of the successful completer. Since the fourth hypothesis failed to reveal a distinctive profile which would differentiate successful completers on the basis of the variables examined, the fifth hypothesis becomes difficult to deal with. Relationships which were found among voluntary participants were not replicated in the institutional group.

The premise upon which the hypothesis was based was that the institutional population of fine defaulters includes a broader range of fine defaulters. That is, within the institutional population are included people rejected from the program and people who pay their fines as well as those who actually participate in the program. It was also reasoned that since only 3.0% of the potential default population show up voluntarily, the remaining 97% would represent a more general segment of the population in terms of the background variables examined.

This assumption generally proved to be true with the institutional group having a greater range on the age variable and more people in the older age categories; a greater range of fines and more fines in the upper categories; and a greater variety of offence types committed. (See Tables 3.5 to 3.7). Differences in the two populations

TABLE 3.5

Age of Fine Option Program Clients

	Institution	Voluntary	Total A.F.O.P.
16-19	19.9% (87)	38.4% (48)	24 (135)
20-24	25.6% (112)	27.2% (34)	25.9 (146)
25-29	18.9% (83)	12.8% (16)	17.6 (99)
30-34	10.5% (46)	9.6% (12)	10.3 (58)
35-39	8.4% (37)	-	6.6 (37)
40 +	16.7% (73)	8.8% (11)	14.9 (84)
Unknown	-	3.2% (4)	.7 (4)
Total	100% (438)	100% (125)	100% (563)
Mean	28.4	24.5	27.9
Median	25.6	20.7	24.4
Range	16-68	16-53	

TABLE 3.6

Total Fine of Fine Option Clients

Fine in Dollars	Institution	Voluntary	Total A.F.O.P.
0-50	21.4 (94)	20.8 (26)	21.3 (120)
51-100	18.3 (80)	23.2 (29)	19.4 (109)
101-150	8.0 (35)	8.8 (11)	8.2 (46)
151-200	6.2 (27)	5.6 (7)	6.0 (34)
201-300	16 (70)	9.6 (12)	14.6 (82)
301-400	10.7 (47)	18.4 (23)	12.4 (70)
400-500	7.0 (31)	9.6 (12)	7.6 (43)
Greater than 500	11.6 (51)	4.0 (5)	10.0 (56)
Unknown	.7 (3)	0.0 (0)	.5 (3)
Total	100 (438)	100 (125)	100 (563)
Mean	263.70	215.80	253.02
Median	198.00	149.00	177.50
Range	10-2025	20-1000	

TABLE 3.7

Offence Types*

	Institution		Voluntary		Total A.F.O.P.	
	N	%	N	%	N	%
Violent Offences						
- Violence Against Person or Things	(13)	3.0	(2)	1.6	(15)	2.7
- Theft Related Violence	(1)	.2	(0)	0.0	(1)	.2
- Dangerous Weapon and Related	(3)	.7	(0)	0.0	(3)	.5
- Disorderly Conduct	(19)	4.3	(5)	4.0	(24)	4.3
Theft Related Offences						
- Theft Over $200	(4)	.9	(0)	0.0	(4)	.7
- Theft Under $200	(31)	7.1	(5)	4.0	(36)	6.4
- Breaking and Entering	(1)	.2	(0)	0.0	(1)	.2
- Joyriding	(2)	.5	(2)	1.6	(4)	.7
- Possession of Stolen Property	(7)	1.6	(4)	3.2	(11)	2.0
- Fraud	(8)	1.8	(0)	0.0	(18)	1.4
Driving Related Offences						
- Dangerous Driving	(5)	1.1	(4)	3.2	(9)	1.6
- Careless Driving	(12)	2.7	(3)	2.4	(15)	2.7
- Highway Traffic Act	(23)	5.3	(35)	28.0	(58)	10.3
Alcohol Related Offences						
- Impaired Driving	(101)	23.1	(16)	12.8	(117)	20.8
- Liquor Control Act	(93)	21.2	(11)	8.8	(104)	18.5
Narcotic Control Act and Food and Drug Act	(37)	8.4	(0)	0.0	(37)	6.6

continued....

TABLE 3.7 (continued)

Technical Violations	(12)	2.7	(2)	1.6	(14)	2.5
Other Criminal Code	(7)	1.6	(2)	1.6	(9)	1.6
Other Federal, Provincial, and Municipal Statutes	(57)	13.0	(29)	23.2	(86)	15.3
Maintenance Orders	(2)	.5	(0)	0.0	(2)	.4
Unknown	(0)	0	(5)	4.0	(5)	.9
Total	(438)	100	(125)	100	(563)	100

*In cases where defaulters had committed more than one offence, "Offence Type" refers to the most serious offence as determined by the size of fine.

were also found on the place of residence variable as was discussed in hypothesis 1, with the voluntary population being almost exclusively Edmontonians. Finally, it was found there were differences in the native populations of the two programs with the voluntary program attracting very few natives. (See Table 3.8).

It was also thought that through the process of self-selection the institutional group would generally represent a less committed or at least a less self-motivated group.

What was not anticipated however, was that the institutional population did not consist of the remaining 97% since only 43% were actually arrested and incarcerated. Further, the high degree of selectivity which resulted in less than 30% of the institutional population actually becoming involved in the program, reduced the institutional participants to the point where they could no longer be considered as being more representative of the general default population. The premise upon which the fifth hypothesis was based proved to be false.

It was therefore not surprising to find that the voluntary participants quite clearly did not exemplify successful completion as was hypothesized. The institutional participants were significantly more likely to succeed. This must be qualified, however, by pointing out that (by virtue of the fact that most institutionalized defaulters are not given the opportunity to participate) the

TABLE 3.8

Comparative Native Populations
of A.F.O.P. Programs

Native Status	Institution	Voluntary	Total A.F.O.P.
NATIVE	45.0 (197)	6.4 (8)	36.4 (205)
Treaty Indian	26.5 (116)	0.8 (1)	20.8 (117)
Non-Treaty Indian	2.3 (10)	1.6 (2)	2.1 (12)
Metis	16.2 (71)	4.0 (5)	13.5 (76)
NON-NATIVE	55.0 (241)	84.8 (106)	61.6 (347)
Caucasian	54.1 (237)	84.8 (106)	60.9 (343)
Other	0.9 (4)	0.0 (0)	0.7 (4)
UNKNOWN	0.0 (0)	8.8 (11)	2.0 (11)
TOTAL	100 (438)	100 (125)	100 (563)

Chi Square = 54.21

Degrees of Freedom = 1

$P < .01$

Missing Cases = 11

successful completers represent only 25.6% of the institutional population even though those given the opportunity to participate were successful in 93.3% of the cases.

CHAPTER FOUR

The Institutional Selection Process

In this chapter the issue of the institutional selection process will be addressed. What we have discovered to this point is that the institutional participants in the A.F.O.P. were significantly more likely to become successful completers than were the voluntary participants. We also observed that the institutional selection process limited participation of institutional defaulters to roughly one in three as opposed to the voluntary program where a selection process was virtually non-existent. We cannot however, at this point assume that the selection process is casually related to the high percentage of institutional success.

To begin with, it is doubtful that the selection staff would have been able to predict successful outcome so accurately in the initial stages of a new program. There would have been, at that point, no indications of who would or would not be successful in the program.

It is possible that the selection staff achieved the high success rate by being "overly selective." That is, unless the selection staff felt very confident that an individual would do well in the program (based on demeanor, attitude, intuition, etc.) they may have been reluctant to refer him to the A.F.O.P. By doing so they may have

selected out most of the failures as well as many potential successful completers. This notion would seem to be supported when we remember that while the voluntary participants were only 66.1% successful, only 27.2% of the institutional defaulters were even allowed to participate.

Alternatively, however, it is possible that the selection process had very little to do with the success of institutional defaulters, or at least that selection was not a discretionary decision based on an individual's perceived likelihood of success. As already stated there was very little evidence upon which such discretionary decision making could have been based. Also in view of the fact that one of the stated objectives of the program was to reduce the institutional population of fine defaulters, it seems unlikely that such a large proportion of the institutional default population would be rejected simply because someone thought that they might not be successful in the program. To properly address these issues, beyond the point of conjecture, it is apparent that the institutional program and its selection process must be examined more closely.

Essentially, what happened with the development of the institutional program was that a community based diversion program was placed within the confines of an institution. With this development, it seems probable that the institutional phase of the program acquired the

greater bureaucracy and technical limitations of that institution. The high rate of institutional rejection may therefore have been a result of increased institutional regulation and may actually have had very little to do with discretionary selection or outcome prediction. It is this line of thought which is believed by the author to be most probable and leads to a statement of the sixth and final hypothesis.

Hypothesis 6.

It is hypothesized that the selection process of the institutional program is based mainly upon technical or policy considerations, and that discretionary decision making aimed at predicting successful outcome accounted for a relatively minor part of the selection process.

The Selection Process.

After a person was arrested and admitted to F.S.C.I. for fine default he would meet with a classification officer who would fill out a classification form and make a decision with regards to the inmate's eligibility and/or suitability for participation in the A.F.O.P. While there are several classification officers at F.S.C.I., one has been assigned to deal solely with fine defaulters. During the course of the classification interview the classification officer records demographic, social and legalistic

information about the inmate and makes a decision as to whether the individual will be referred to the A.F.O.P. If a person is not referred, one of eight officially defined reasons for rejection is indicated on the inmate's classification form.

These eight official reasons for rejection are as follows: 1. Judged unsuitable; 2. Enrolled in alternative F.S.C.I. programming; 3. Further charges; 4. No medical clearance; 5. Paid fine; 6. Chose not to participate; 7. Maintenance Orders; 8. Sentence of ten days or less.

For the purposes of our analysis the official reasons for rejection can be categorized as being of one of three general types. The three general types of reasons for rejection are discretionary or judgemental reasons, technical or policy limitations and finally the inmate's choice of an alternative to the A.F.O.P. Table 4.1 provides the frequencies and percentages of occurrence of each of the official reasons for rejection in descending order of frequency. A discussion and categorization of each of the official reasons for rejection into one of the three general types of reasons will follow.

Of the eight official reasons for rejection four would qualify as "technical" reasons for rejection. These technical reasons include: a sentence of less than ten days, further charges, no medical clearance, and maintenance orders. The discretionary reasons for rejection

TABLE 4.1

Official Reasons for Rejection*

Reason for rejection	Frequency	% of rejections	% of default population
Sentence of ten days of less	100	31.5	22.8
Further charges	45	14.2	10.3
Judged unsuitable	37	11.6	8.4
Chose not to participate	36	11.3	8.2
Paid fine	32	10.1	7.3
Enrolled in alternative F.S.C.I. programming	30	9.4	6.8
No medical clearance	23	7.2	5.3
Maintenance Order	2	.6	.5
Reason unknown or unclear	13	4.1	3.0
Not applicable (A.F.O.P Participants)	120	-	27.4
TOTAL	438	100%	100%

*Official Reasons for Rejection are given as a percentage of the total rejections as well as a percentage of the total institutional default population.

include: judged unsuitable, and, possibly, enrolled in alternative F.S.C.I. programming. The alternative choices available to the inmate were: paying the fine, or choosing not to participate thereby accepting the term of incarceration.

Based upon the above groupings, technical reasons were the most prohibitive to program admission accounting for 53.5% of all rejections or 38.9% of the entire institutional default population. The other two groupings were approximately equivalent with inmate's choice of an alternative accounting for 21.4% of the rejections or 15.5% of the population, and discretionary reasons for 21.0% of the rejections or 15.2% of the institutional default population.

Based on this classification of the official reasons for rejection, more than half of the institutional rejections were because of institutional regulations which precluded participation. A closer examination of the institutional policies responsible for the exclusion of these people will follow.

The Technical Exclusions.

The institutional policy of excluding inmates with sentences of ten days or less was the single reason responsible for the greatest proportion of rejections (31.5%). The rationale for excluding this group was that by the time the inmate was admitted to F.S.C.I., met

with the A.F.O.P. staff and finally placed with a community service organization, too little time would remain on the sentence to make participation worthwhile. With remission time, it would take less time for the inmate to simply serve his remaining sentence.

While it seems somewhat ironical that the most minor offenders (as determined by length of sentence) are automatically excluded from the institutional program, it must be remembered that all institutional candidates had previously had the opportunity to participate voluntarily.

Being rejected because of further charges was another limitation specific to the institutional program and accounted for the second highest percentage of rejections (14.2%). Rejection because of further charges meant that in addition to having defaulted the payment of a fine, the person had additional charges which had not been cleared through the courts, either because the person had failed to appear, or because the date of the court appearance had not yet arrived.

Since these people had already shown themselves to be "bad risks" by allowing their time to pay to expire and not responding voluntarily, the institutional staff was reluctant to release these people into a community based program until all charges had been cleared. By rejecting these people from the program the institutional staff eliminate the possibility of having to re-issue a

warrant on a person who has already necessitated the time and expense involved in his present arrest.

In the voluntary program further charges are not a barrier to program admission. It is apparently assumed that since the person has taken the initiative to clear up the presently incurred fine, he will do likewise with any charges that may be pending. Also since no warrant has had to be issued for the voluntary client's arrest, there is no possibility of antagonizing the local police by releasing someone only to have to issue another warrant for the same person's arrest.

Cases of "no medical clearance" are also unique to the institutional situation where a medical staff is available and physical examinations are given to all inmates. F.S.C.I., as a custodial institution, is obviously more concerned and/or responsible for the physical well-being of its inmates than is the voluntary agency, where a simple release is signed by participating clients absolving the agency of any responsibility for injuries or illnesses which may occur on the job. Medical exclusions accounted for 7.2% of the institutional rejections.

Finally, maintenance orders can only occur in the institution, since these are the people who are arrested for failing to make alimony or child support payments and are actually serving a mandatory sentence for non-support. While these people have been classified with

fine defaulters at F.S.C.I., they are not within the scope of the A.F.O.P. since work for a community service agency would in no way compensate the people to whom these defaulters have failed to make payments.

As can be seen, all of the technical reasons for exclusion are specific to the institutional situation. The increased bureaucracy of the institutional program makes the program unfeasible for people with short sentences. The responsibility of the institution for the well-being of inmates under its charge results in the additional rejection of inmates for medical reasons. Finally, because of their advanced state of progress within the system (i.e., a warrant has been issued and an arrest has been made) institutional clients are excluded if there are further charges for which an additional warrant may have to be issued.

While it is now apparent that the major part (53.5%) of the institutional selection process is based upon technical considerations imposed by the institutional situation, it is also apparent that technical reasons do not account for the entire selection process. The other reasons for rejection will be examined below.

The Alternative Choices.

The general category of official reasons responsible for the next highest percentage of official reasons for

rejection (21.4%) were the client's choice of an alternative. There were two groups who fell into this category; those who chose not to participate (11.3%) and those who paid their fine after they had been arrested (10.1%). Those who paid their fine to avoid incarceration require little explanation. They are simply the people who had forgotten to pay, or had been negligent in paying their fine, but when confronted with the reality of incarceration, came up with the cash. Of more interest are those people who, for some reason, chose not to participate in the A.F.O.P. In an attempt to find out why the A.F.O.P. was not seen as an attractive alternative to these people, the files of the 36 people who fell into this category were examined.

A number of interesting findings were obtained. The most important one was that almost half (17 of 36) of those listed as choosing not to participate would have more accurately have been classified as having a sentence of ten days or less and were therefore technically ineligible for the program. The explanation for this misclassification probably lies in the fact that the original cut-off point for elegibility was a sentence of at least five days. After the program was in operation for a short time however, it was discovered that in terms of the length of time required to actually get a person through the previously mentioned red tape and involved in the program, a sentence of ten days was a more practical

cut-off point. Therefore, while the "official" policy was not to admit inmates with sentences of 5 days or less, in actuality people with sentences of ten days or less were not admitted. It is possible that these people actually did choose not to participate, but probably only after it was explained to them that with their time already served, plus their remission time, it would be much quicker and easier for them to simply serve their remaining time. For the purposes of this analysis these seventeen people would more correctly be categorized as having been rejected due to the technical limitations of the institutional program.

Three other people who chose not to participate probably did so because of multiple fines. Because a fine must be paid for each offence, whereas the time given in default of each fine is served concurrently (i.e., only the longest sentence minus the remission time is actually served), it was to these peoples' advantage to serve their time rather than to attempt to work off a number of fines.

The amount of the fine probably discouraged several other people from participating in the A.F.O.P. Of the thirty-six people who chose not to participate nine had fines of $300 or more (2 had fines of $1,000 or more). At the rate of $3.00 per hour it could take several months to work these fines off, working on a part time basis.

Another thing which became apparent when examining the amount of fine and length of sentence of the people who chose not to participate was that there was considerable disparity in the length of sentence given as an alternative to paying fines. For example, while one person was given a 60 day sentence as an alternative to a $100 fine, another had a sentence of 14 days as an alternative to a $325 fine. In view of this type of discrepancy it became apparent that depending upon the length of sentence, relative to the amount of fine given, the A.F.O.P. is not necessarily the most favorable option available to the inmate.

In view of the preceeding information, the choice not to participate becomes more understandable. For some people, i.e., those who have multiple fines or those who have large fines and short sentences, the A.F.O.P. is quite simply not their most favourable alternative. Others who chose not to participate were technically ineligible because of short sentences. Finally there was a small group of eight to ten inmates whose reason for choosing not to participate was not readily apparent. Perhaps these people simply wanted to serve their time and get it over with rather than going through any further processing. Perhaps they were simply looking for free room and board. Whatever their reasons may have been, the people who chose not to participate for no apparent

reason represent a very small proportion of the total population of 438 default inmates.

The Discretionary Reasons for Rejection.

In the initial classification of the official reasons for rejection, two were considered to be discretionary reasons. The two discretionary reasons were: "judged unsuitable" and "enrolled in alternative F.S.C.I. programming". However, after further investigation of the alternative programming, it is doubtful that the latter of the two could actually be considered a discretionary reason, that is, a reason in which a judgement was made with regard to the person's suitability for the A.F.O.P. The alternative programs were not something which were imposed upon the inmate because it was thought that he was unsuitable for the A.F.O.P. Rather, it was more often the case that when made aware of the alternatives available, the inmate chose an alternative over the A.F.O.P. The alternative programming most frequently chosen was a native alcohol treatment program known as "Poundmaker's Lodge" and "X-mas pre-release to expiry," which simply meant that 15 inmates whose sentences ran over the Christmas period were given an outright release. Because these alternatives were chosen by the inmates, this category of rejections would more appropriately be classified with inmates' choice of an alternative rather

than as a discretionary reason for rejection.

This means that only those people who were rejected because they were "judged unsuitable", or 8.4% of the default population, were rejected because of discretionary reasons. An examination of the group who were judged unsuitable will follow.

Discretionary Exclusions.

Through our examination of the institutional selection process we have discovered that the high rate of attrition among prospective A.F.O.P. candidates is due largely to institutional regulations or the inmates' choice of an alternative route. In fact, these two categories of official reasons for rejection accounted for 84.3% of the rejections from the A.F.O.P. The remaining 15.7% of the rejections were for discretionary reasons (11.6%), or for reasons that were unknown or unclear (4.1%).

We are therefore justified at this point in saying that our sixth hypothesis has been verified. That is, the major part of the institutional selection process is based upon technical or policy decisions and that the 37 people who were selected out for discretionary reasons represent a relatively minor proportion of the 318 fine defaulters who were not admitted into the program.

Despite the fact that discretionary selection represented only a minor part of the entire selection process, the basis

of that discretionary decision making is at this point unknown. The question remains on what basis were some inmates deemed to be unsuitable for participation while others were selected into the program?

In an attempt to address this issue, comparisons were made between those who were "judged unsuitable" and those who were selected into and actually participated in the fines option program. Table 4.2 illustrates the similarities and differences between these two groups on the basis of a number of legalistic and background characteristics. Statistically significant differences are noted. Chi square was the test of significance used.

Of the variables examined only two were found to be statistically significant at the .05 level. Both of these variables were related to the use of alcohol. Those judged unsuitable were significantly more likely to be alcoholics and were also significantly more likely to have been charged with an alcohol related offence than were those who had been accepted into the program.

Also of interest was the fact that most people in both groups had records of previous offences. While the unsuitables were about 10% more likely to have a record this difference was not statistically significant. Looking at previous recors strictly in terms of violent crimes or crimes against the person, the unsuitables were again more likely to have committed this type of crime (see

TABLE 4.2

Comparison of "Unsuitable" and "Participants"

	Judged Unsuitable	A.F.O.P Participants
mean age	28.7	26.0
% Edmonton area residents	37.8	39.0
% Caucasian	54.1	53.4
% Single	59.5	69.5
mean fine (dollars)	252	323
mean default time (days)	31.4	35.4
% One offence	83.8	84.7
% Previous offence history	83.8	73.7
% Previous record of crime against the person	27.0	12.7
Mean years education	9.4	10.1
% Currently employed	29.7	40.7
% Labourers	81.1	75.4
% Alcoholics	56.8	18.6*
% Alcoholic related charges (L.C.A. and Impaired driving)	62.1	41.5*

*Significant at .05 level.

Table 4.2). While this difference came very close to being significant, again statistical significance was not achieved. It is interesting to note, however, that the only cases of what might be considered the more serious types of violent crimes (i.e., manslaughter, 1 case; rape, 2 cases; wounding, 1 case) were found among those who were judged unsuitable. Therefore, while there were indications that the unsuitable were more criminogenic, especially with regards to crimes of violence, we have no evidence that these differences were not due to chance.

While there were some differences between the two groups on the other variables examined, none of these differences proved to be statistically significant.

It appears, therefore, that the major distinguishing factor between those who were judged unsuitable and those who were accepted into the program was their use of alcohol. The selection staff was apparently reluctant to refer people with drinking problems to a community service agency. Evidence of a serious violent criminal history also seemed to result in exclusion from the program.

Conclusion.

It would have been interesting to have been able to take the criteria that were used in the discretionary selection process of the institutional program (i.e. alcohol

use, and history of violent crimes) and examine their effect, if any, upon completion rates of the voluntary participants. Unfortunately, however, the data kept on the voluntary program participants did not include either of these variables. Within the institutional program itself there was too little variation on the outcome variable for such an analysis to be meaningful. That is, regardless of background variables, including offence histories and alcoholism, successful completion was uniformly high among institutional participants. (Of the 120 participants there were only 8 cancellations or failures). Those alcoholics and violent offenders who for some reason were not judged unsuitable were as successful in their rates of completion as were most institutional participants.

Therefore, while we have observed that the unsuitables were differentiated from the participants in their rate of alcoholism, we have no evidence that alcoholics were any less likely to be successful program completers. In fact, in the voluntary program where alcohol related offences were less than half the proportion of similar offences among institutional participants, the rate of successful completion was significantly lower. It appears that alcoholism in and of itself is not a barrier to successful completion of the program.

To briefly summarize, then, we have found that the institutional selection process involves very little discretionary selection. What discretionary selection there was seemed to differentiate between those suitable and those unsuitable mainly on the basis of alcohol use and to a lesser extent on a history of violent crimes. These variables, however, did not appear to affect the outcome of those involved in the A.F.O.P., as outcome among institutional defaulters was uniformly high.

There appears to be very little evidence to support the notion that the institutional selection process was responsible for the high rate of institutional success in the fine option program. It is possible that those people who were more likely to fail were inadvertantly selected out for technical reasons or perhaps selected themselves out by choosing an alternative route. Because they did not participate, however, we have no way of knowing what effect their participation may have had on institutional completion rates.

In a final effort to discover why the institutional participants were significantly more likely to become successful completers than were their voluntary counterparts the question was posed to two of the front line A.F.O.P. staff. Their answer was immediate, plausible, and went something like this: The institutional participants "knew" that if they weren't successful in the program

they would go back to jail. Their perceptions in this regard were probably quite accurate. Before inmates were released into the A.F.O.P., which would be considered by the institution to be the same as other community release programs, a number of checks would be made to ensure that the address given, telephone number, place of employment, etc were accurate and that contact with the inmate could be maintained. Those whose addresses didn't check out, had no permanent address, appeared to have no stable family or employment ties, or who lived outside the Edmonton area were required to reside at the Belmont Community Correction Center while involved in the program. Their participation, therefore, closely resembled that of a work release program, the difference being that their final release was contingent upon the number of hours of community service completed rather than the completion of a mandatory sentence. Failure to show up or complete the assignment was therefore considered as being A.W.O.L. from a community release program which was treated more seriously than was the failure of the voluntary client who had never been arrested. (The arrest rate for fine defaulters in general was 43%. All institutional cancellations were returned to jail.)

The explanation offered by the A.F.O.P. front-line staff for the success differential then, was essentially that institutional participants were more closely supervised

in a residential situation unless it could be established that the inmate was a stable resident who could be easily contacted if any problems arose with his participation in the program. The inmate had not only briefly experienced the alternative of incarceration but also realized that failure in the A.F.O.P. would almost certainly result in a return to jail.

In view of the fact that we failed to account for the success difference through the institutional selection process, the explanation offered by the A.F.O.P. staff does seem plausible. In the previous chapter we discovered that the best predictor of a successful outcome in the A.F.O.P. was the route of entry into the program. That is, success was best predicted by knowing whether the individual was involved in the voluntary or the institutional phase of the program. It now appears as though the difference in success rates was not due so much to the extensive selection process, (at least not in the sense of accurate outcome prediction) but was rather more likely due to inherent differences in the administration and supervision of the institutional program.

This explanation also gains credibility in view of other studies which have dealt with the impact of differential supervision. Warren (1966), for example, examines the effectiveness of intensive supervision in the California Youth Athority's Community Treatment Project.

While the experimentals were found to have higher rates of success it was difficult to determine whether the differences were due to the effects of intensive supervision or of different policies for experimental and control subjects. The experimentals were apparently allowed a larger number of violations before being given an unfavorable discharge or revocation from parole. They were also given more suspensions for technical violations and then reinstated into the program. According to Lipton's (1975: 35) summary and discussion of the program:

> Parole officers handling experimental cases appear to have used suspension as a method for controlling behaviour. Control parole officers, on the other hand, appear to have used suspension an an initial step to revocation.

The threat of being revoked apparently had an effect on the success of experimental subjects. A similar type of effect can be noted in the A.F.O.P. where the more immediate threat of incarceration appears to have affected the successful completion rates of institutional participants.

CHAPTER FIVE

Summary, Implications and Conclusion.

To briefly summarize the results of the A.F.O.P. research, let us review the six hypotheses which were presented and examine the findings.

Hypothesis 1.

Those who participate in the program are in the vast majority Edmonton residents, indicating that the program in its initial stages is inconvenient and therefore inadequate for outside residents.

For the voluntary program this proved to be overwhelmingly true. Of the one-hundred and twenty-five voluntary participants all but one listed an Edmonton or Edmonton area address. In the institutional program, arrested fine defaulters were split 43% to 57% between Edmonton and other addresses, respectively. Whether or not the preponderance of Edmonton residents in the voluntary program indicates that the program is inconvenient and therefore inadequate for outside residents is of course open to debate. However, since all of the community service placements are in Edmonton, and since the non-resident voluntary response was practically non-existent, it can be said that the A.F.O.P. is definitely not facilitating the voluntary participation of these people.

Hypothesis 2.

The institutional approach to the fine option program is the more efficient means of getting fine defaulters involved in the A.F.O.P.

Defining program efficiency in terms of involving potential clients in the program, neither phase of the program was found to be particularly efficient. In the voluntary program the lack of efficiency appeared to result simply from non-response to the letter of invitation. In the institutional program potential clients did not become involved because of a low rate of arrest for defaulters on whom warrants had been issued and a rigorous selection process which occurred after arrests had taken place.

Including fines which were cleared through cash payment as well as through program participation, it was found that it was the voluntary program which was the more efficient program. Although as already mentioned neither program functioned at a particularly high level of efficiency.

Hypothesis 3.

Completion rates for those who become involved in the A.F.O.P. will be high and will not differ significantly between those who enter the program through the institutional or voluntary phases.

This was found not to be the case. While the over-all completion rates for fine option participants were high, there was a statistically significant difference between completion rates in the institutional and voluntary programs. The higher completion rates of the institutional program did not appear to result from the institutional selection process, as successful completion was uniformly high across background variables examined. The difference, it would appear, is more likely the result of inherent differences in the administration and supervision of the institutional program.

Hypothesis 4.

Successful outcome in the A.F.O.P. is positively related to increasing age, increasing stability of employment, increasing education, decreasing seriousness of offence and decreasing of fine.

Since only one of the predicted relationships was found to exist in the direction predicted, this hypothesis would also have to be rejected. Decreasing amount of fine was found to be positively related to successful completion of the program. Relationships were found on the age and employment variables but not in the predicted directions. The youngest and the oldest age categories were found to be the most successful completers, while the unemployed were significantly more likely to be successful

than were employed participants. No relationships were found on the education and offence type variables. It should be noted that the above analysis deals only with voluntary participants. Among the institutional participants success was so uniformly high that relationships between outcome and background variables were precluded by the near homogeneity of the outcome variable.

Hypothesis 5.

Profiles of participants in the voluntary programs will more closely resemble that of the successful completer.

The fifth hypothesis would also have to be rejected. Not only was there no clear profile which emerged to identify successful completers, but it was also found that the institutional participants were more likely to be successful in the program.

Hypothesis 6.

The selection process of the institutional program is based mainly upon technical or policy considerations. Discretionary decision making aimed at predicting successful outcome accounts for a relatively minor part of the selection process.

This was found to be true. More than half of the institutional rejections were for technical or policy reasons while less than ten percent were for discretionary

reasons. The remaining rejections, or more accurately non-participants, were because of the inmate's choice of an alternative to the fine option program.

Implications of the A.F.O.P. Research.

Some of the findings of the A.F.O.P. research were periferal to the hypotheses which were examined. One such discovery was the residential nature of the institutional program. During the initial investigations and mapping out of the program no one mentioned the fact that many, (and it is unfortunate that we are unable to say how many) of the institutional participants resided at the Belmont Community Correction Center while involved in the program. This was not in fact discovered until much of the analysis was completed and questions were posed with regard to the differences in completion rates.

The fact that the fine option program evolved into a residential program in the institutional setting raises a number of questions about the future directions of the program. To begin with one wonders how appropriate it is to add a residential component to a program which was designed specifically to divert minor offenders from an institutional situation. Secondly, questions of program costs must be raised. While the information necessary to do a cost-benefit analysis was not made available to the author, one must surely concede that the institutional

phase is more costly than is the voluntary phase of the program. In the institutional program are the added costs of issuing and serving the arrest warrant, institutional cost of incarceration and classification, cost of a transfer to Belmont and residential costs for those who stay there while involved in the program. These costs are all in addition to the costs of staffing and administering the A.F.O.P. which would be constant for both phases of the program.

In view of these additional costs the financial benefits of the institutional program over standard incarceration becomes questionable. While it might be argued that the institutional fine option program is at least less punative than incarceration, this could also be challenged in view of the residential requirement placed upon some participants. It is at least theoretically possible that someone residing in Belmont and working off his fine could have his freedom restricted for a longer period of time than if he had chosen simply to serve his default time. In such a case the A.F.O.P. would also be more punative.

These observations are interesting because similar findings have been reported in another examination of diversion programs. Lerman (1975), in what amounts to a major attack of the California Youth Authority's Community Treatment Project (C.T.P.) and the California

Probation Subsidy Program, presents a strong argument illustrating that these two major diversion programs not only fell short of their goals but lost sight of their objectives along the way. The C.T.P. which was intended to be less punative and less costly than standard incarceration evolved into a program which was not only more expensive but also in many ways more restrictive. The Probation Subsidy Program which was meant to divert offenders from state institutions into more localized probation programs, not only resulted in more people being placed on probation for more minor offences, but also resulted in people being detained in state institutions for longer periods of time. The point to be made is that even the best intentioned diversion programs can evolve into programs as problematic and bureaucratic as those organizations they are meant to replace.

Blumberg (1967) in an examination of the court system illustrates how a bureaucracy can become self-serving and replace the original organizational goals with its own bureaucratic goals. In his example the goal of efficiency replaces the original goal of due process. In the A.F.O.P. adherence to regulation appears to have encroached on the goal of large scale participation.

This is not to suggest that the institutional program serves no function or that it should be eliminated. It does provide some fine defaulters with a more productive means of satisfying their fines and in some cases in a

quicker and less restrictive way than if the program were not being made available after arrest.

What is being suggested, however, is that in terms of improving the program attention should be focused upon the voluntary program where costs are less, where there is less bureaucracy and regulation restricting admission and where the objectives of a diversion program, in the sense of minimizing contact with the justice system, are more closely realized.

Improving the Voluntary Program.

Two groups who were conspicuous by their absence from voluntary participation in the A.F.O.P. were non-residents and natives. Of 125 voluntary participants only one person was not a resident of the immediate Edmonton area. Equally as important, there were only eight native participants even when treaty Indians, non-treaty Indians and metis were included in this category. Non-residents and natives, meanwhile, comprised 57.3% and 45.0% of the institutional default population, respectively.

If the A.F.O.P. is to realize its objectives of reducing institutional populations and increasing voluntary participation, the involvement of these two non-participating groups would seem to be an appropriate place to begin.

One way in which non-resident participation might be enhanced would be to decentralize the program from its Edmonton base. If A.F.O.P. offices were made available

in the offenders' places of residence, or if community service jobs were at least made available in these communities, then perhaps a larger proportion of the non-resident population could be attracted to the voluntary program. Not only would this provide smaller communities with their share of voluntary community labour and provide the opportunity for more localized and closer supervision, but it would also make the program more convenient for non-resident fine defaulters.

This decentralizing policy might also be used to encourage greater native involvement in the program. Ten percent of the institutional default population listed an Alberta reserve as their home address. Working through native band councils the A.F.O.P. might therefore provide a source of labour for the reserves as well as providing a productive means of keeping natives out of jail for minor offences.

The effects of decentralizing the program would only be known after it was attempted and evaluated. Over and above, or despite, the effects that such a policy might have on rates of incarceration, being made aware of and involved in community services ventures could be a benefit in and of itself. As Nettler (1974:252) states: "Whatever destroys community fosters an increase in predatory crime." If the A.F.O.P. can foster a sense of community by involving fine defaulters in their community, a benefit, however hard

to measure, will have been achieved.

Implications for the Policy of "Time to Pay".

The fact that during the period under study over four thousand people allowed their time to pay limit imposed by the court to expire without satisfying their fine indicates that this policy should perhaps be re-examined. The fact that almost twenty-five percent of the letters of invitation sent out by the A.F.O.P. were returned because of incorrect addresses would seem to indicate that some people may have had no intention of paying their fine when giving their address to the clerk of the court. It is of course possible that the incorrect addresses were legitimate in that these people may have moved before their time to pay expired, though it does seem that the proportion of people moving without leaving a forwarding address is rather high. Even giving these people the benefit of the doubt, the large number of incorrect addresses indicates that giving time to pay and then attempting contact by mail is an inefficient as well as an ineffective means of collecting fines.

It has become apparent that neither the police force nor the institution has the capacity to handle these four thousand plus fine defaulters. While this was supposedly the function of the A.F.O.P., the response rate including both participants and people paying fines was

somewhere in the area of twenty-five percent. The arrest rate for the remaining non-responses was low, thereby creating a situation where the courts and their sentences are made to appear ineffectual and disrespect for the law is encouraged. To be effective the judicial system must be able to carry out the sentences which it imposes.

An alternative to the system of waiting for the time to pay to expire and then sending out a letter of invitation might be an approach of earlier intervention. Rather than simply giving people unable to pay their fines a time extension, they could be referred directly from the court to the A.F.O.P. If it was a simple matter of waiting for a paycheck to arrive, arrangements for additional time could be made through the A.F.O.P. (preferably after checks were made to ensure that information such as address, place of employment, telephone numbers, etc. were accurate). This would decrease the likelihood of people failing to fulfill their commitment by increasing their perceived likelihood of punishment.

This approach would also ensure that all the options were known and understood by potential clients. The institutional staff reported that when questioned about why they had not entered the program voluntarily, many institutional participants responded that they didn't know about the program. Considering the number of incorrect addresses and the possibility that many people may have

thought the letter of invitation was simply a reminder of their fine and therefore did not read it carefully, ignorance of the program is a believable excuse, an excuse which could be eliminated if the program were explained in person at the time the fine was imposed.

If there were no indication that payment of the fine could be immediately forthcoming (i.e., the person was unemployed, had no permanent address, etc) the choice of incarceration or the fine option program could then be offered with the decision to be made and to take effect immediately. Placed in the situation of having to make definite arrangements to pay the fine, participation in the fine option program, or go to jail, it seems likely that participation in the A.F.O.P. would increase. Since we have already determined, both from our own data and other studies of fine option programs, that once involved in the program completion rates are generally high, this policy of earlier intervention by the A.F.O.P. could lead to a substantial increase in the number of fines which were satisfied through the program.

While we have no way of knowing what effect this more coerced form of participation would have on completion rates, indications from the institutional program where participation is even more coerced, are that completion rates would remain high.

The actual effects of such an alteration could only be known if it was implemented and carefully evaluated. There are undoubtedly a number of alternative alterations which could be made. Whatever approach is taken however, it is apparent that the system of time to pay is being abused and that some sort of change is necessary not only to increase participation in the A.F.O.P., but to ensure that the judicial system has the means to enforce the sanctions imposed by its courts.

Implications for Sentencing.

While a lengthy discussion of the equality of sentencing is beyond the scope of the present thesis, there was one related issue which became apparent during the course of the A.F.O.P. research. This issue involves the incarceration time given in the event that the fine is not paid.

It was discovered in the course of study that there was no standard method of determining the length of sentence to be served for non-payment of fines. While the general rule is, the greater the fine the longer the default sentence, even this did not always hold true. Numerous cases could be presented where people with larger fines had shorter sentences than people with smaller fines.

This sort of discrepancy creates a number of problems for programs such as the A.F.O.P. As was discussed when examining the files of people choosing not to participate

people with large fines and short sentences are essentially being encouraged to accept incarceration over either paying the fine or attempting to work it off. This type of sentencing is actually counter productive to the A.F.O.P. objectives of reducing institutional populations of minor offenders.

A specific instance of this type of sentencing was observed when the sentence for having no auto insurance was increased to four hundred dollars. Judges seemed to respond by lowering the default sentence. Most people in the study convicted of this offence were given ten days in default of their four hundred dollar fine. A four hundred dollar fine for most other offenders generally drew a much larger default sentence. Whether judges felt that the fine was too large and therefore tried to be lenient in the time given cannot be determined from the information we have. What we do know however, is that when the fine is large and the sentence is short, the A.F.O.P. looses its attractiveness as an alternative to incarceration.

Also, a program which purports to create greater equality in sentencing (by providing an alternative to incarceration for people with less ability to pay fines), is placed in an awkward position when people with identical fines have such radically different default sentences that the program is a reasonable alternative for one but not

for the other. Again numerous illustrative cases could be provided from the data gathered.

It is apparent that if the Alberta Solicitor General is to pursue programs such as the A.F.O.P., where a fine is made the equivalent of a number of hours of community service, the length of default time must also be included in the formula if the program is to be consistent among individuals. It is therefore suggested that a monetary value be placed on a day of incarceration such that the length of the default sentence is determined by the size of the fine. For example, if it were decided that a day in jail was equivalent to paying a twenty dollar fine, a one hundred dollar fine would become a five day sentence just as a one thousand dollar fine would become a fifty day sentence.

While this standardization of default time would not eliminate inequalities in sentencing (in that different judges could still give different sentences for similar offences or the same judge could still give different sentences to similar offenders) it would at least eliminate inequalities in the default time given for not paying fines. Such equality would thereby eliminate the situation where the A.F.O.P. was a more favorable option for one person than for another.

Conclusion.

What has become most apparent during the course of this study is the need for some sort of diversion program to ensure that the sentences imposed by the Alberta judicial system are in fact carried out. The sheer number of fines which were defaulted in the period under study makes it obvious that neither the police force nor the penal institutions have the time nor the capacity to deal with the volume of fines defaulted. A judicial system which is incapable of having its mandate carried out leaves itself open to a number of potential problems. Not only could there be charges of selective enforcement from the minority who are incarcerated, but those whose sentences are not fulfilled could develop a false sense of immunity from, and disrespect for the law.

What other studies of fine option programs have demonstrated, and with which the present study concurs, is that rates of successful completion for such programs are very high. What these other studies failed to mention, which was demonstrated in the present research, was that unless the rate of participation is also high, rates of completion can be very misleading. In the A.F.O.P. it was found that relative to the total number of fines that were defaulted, voluntary participants merely scratched the surface of the problem.

This should not, however, be viewed as a total condemnation of the program. It must be reiterated that the program under study was a pilot project. As such the program was able to demonstrate that community service jobs are a feasible alternative to incarceration for fine defaulters. Beyond demonstrating the program's feasibility it is hoped that the present research was able to provide some insight into future directions the program might take to ensure its viability.

Most importantly, in this regard it is felt that the future evaluation of the program should focus its attention and energy on increasing participation in the voluntary phase of the program. It is felt that it is this level of the program which best achieves the objectives of diversion which were originally intended. To achieve these goals a number of suggestions have been made. One suggestion was to decentralize the program from its Edmonton base such that the voluntary participation of non-residents and natives could be better facilitated. It was found that while these two groups represented substantial proportions of the institutional default population their voluntary participation was virtually non-existent. Secondly, a policy of earlier intervention was suggested. Rather than waiting until the time to pay had expired, and then attempting contact by mail, it was felt that a presentation of the program at the time of sentencing would at least ensure

an awareness of the option and could increase participation.

These of course are only suggestions and their effects could only be known after they were implemented and carefully evaluated. The need for such a diversion program has been demonstrated. Whatever future directions the program does take, and it is felt that some changes are necessary, these future efforts should be carefully scrutinized such that the good intentions of the Alberta Fine Option Program are more likely to be realized.

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